

United States District Court

for

District of Southern Ohio

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: **Brandon Charles Leach**

Case Number: **2:09CR00086**

Name of Sentencing Judicial Officer: **The Honorable Edmund A. Sargus Jr.**  
**United States District Judge**  
**Southern District of Ohio**

Date of Original Sentence: **November 16, 2009**

Original Offense: **Possession of Child Pornography, in violation of 21 U.S.C. 2252(a)(4)(B) and (b)(2), a Class C felony**

Original Sentence: **33 months prison, followed by 120 months supervised release with special conditions to include the following:** 1) The defendant shall neither possess nor have under his control any matter that is pornographic or that depicts or alludes to sexual activity or depicts minors under the age of 18. This includes but is not limited to any matter obtained through access to any computer or any material linked to computer access or use.

**2) The U.S. Probation Office shall have the right of reasonable search of the defendant, his residence, or any other establishment within the defendant's control or custody; and shall, if necessary, request the assistance of law enforcement agents to enforce the provisions of this special condition. The defendant shall advise anyone with whom he shares a residence that the premises may be subject to searches pursuant to this condition.**

**3) The defendant is prohibited from possessing a computer for recreational purposes. The defendant shall allow his residence, vehicles or any other area to which he has access, to be searched by the probation officer to verify his compliance with this condition.**

**4) The defendant shall not possess any computer equipment and shall not access the Internet or Intranet for recreational purposes.**

**5) The defendant shall not possess, or use, a computer with access to any "on-line computer service" at any location (including employment) without the prior written approval of the probation department. This includes any Internet service provider, bulletin board system, any other public or private computer network, or e-mail system.**

6) The defendant shall submit to the probation officer and/or probation service representative conducting periodic unannounced examinations of the defendant's computer equipment, which may include retrieval and copying of all data from the computer and any internal or external peripherals to ensure compliance with this condition and/or removal of such equipment for the purpose of conducting a more thorough inspection, and allow at the direction of the probation officer installation on the defendant's computer, at the defendant's expense, any hardware or software systems to monitor the defendant's computer use.

7) The defendant shall maintain a complete, current inventory of his computer access including, but not limited to, any bills pertaining to computer access, telephone bills used for modem access, or other charges accrued in the use of a computer.

8) The defendant shall submit a monthly record of computer use and bills to the probation officer.

9) The defendant shall register with the state sex offender registration agency and follow the applicable state laws regarding such registration in any state where the defendant resides, is employed, carries on a vocation or is a student, as directed by the probation officer. The probation officer will provide the state officials with any and all information required by the state sex offender registration agency and may direct the defendant to report to that agency personally for additional processing in accordance with state law.

10) The defendant shall enter and attend sexual offender treatment groups at an approved outpatient treatment program as directed by the probation officer.

11) The defendant shall not have contact with minor children and shall not attend sporting, schooling or other events typically attended by minor children unless such event involves a member of his family at which time he must be in the company of another adult.

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Type of Supervision: **Supervised Release**

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Date Supervision Commenced: **July 6, 2012**

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### **PETITIONING THE COURT**

To extend the term of supervision for years, for a total term of years.

To modify the conditions of supervision as follows:

**(1) The defendant shall participate in the Home Detention component of the location monitoring program for a period of twelve (12) months. The defendant shall be required to remain in his residence unless given permission in advance by the probation officer for approved activities. The defendant shall be monitored by the use of GPS Monitoring.**

The defendant shall abide by all the requirements established by the probation office related to the use of this location monitoring technology. The participant shall pay all or part of the costs of location monitoring based on his ability to pay as determined by the probation officer.

(2) The defendant shall participate in mental health treatment, as directed by the U.S. Probation Officer.

## CAUSE

Mr. Leach has currently been suspended from sex offender treatment due to his behavior, which includes viewing pornography on multiple occasions, visiting adult bookstores and failing to disclose his deviant sexual thoughts about children to the group. These behaviors all occurred while offender was at the Residential Re-entry Center and the treatment provider believes that he is not amenable to treatment at this time. As a result of these high risks behaviors, the treatment provider has assisted the offender in acquiring a psychiatric appointment. Once this assessment has been completed, the treatment provider will again re-evaluate him for appropriateness in the program.

A polygraph completed on April 26, 2012 revealed that Mr. Leach was deceptive to the relevant issue questions on the exam. On the clarification form prepared by the offender on May 14, 2012, he advised that he went to video stores to find pornography in February and May. Additionally, he admitted to downloading child pornography to his PSP and masterbating to it until he began his prison sentence. He did this behavior again in January when he had his parents bring the PSP to the Residential Re-Entry Center.

Mr. Leach's other acknowledged behaviors include: (1) masterbating in the girl's restroom of a pre-school in a church in 2007, (2) watching children play and having deviant sexual fantasies about them in 2008 and (3) luring three young girls (ages 6 -9) to his home, so he could watch them play in his tree house in 2008. He later masterbated to the fantasy of having sex with them.

Additionally, Mr. Leach admitted to having his parents keep a number of DVDs containing pornography for him. A letter from his mother, dated May 22, 2012, reveals that she disposed of the DVDs.

Based on Mr. Leach's continued inappropriate sexual behavior and the high risk to the community, the supervising probation officer feels it is imperative to take swift action to put some type of limitations on the offender. This is especially important since he is not receiving any treatment at this time. The offender was approached about location monitoring and the program was explained. He voluntarily agreed to sign the attached Waiver of Hearing.

In addition to the location monitoring, mental health treatment is being requested. As noted, he has an psychiatric evaluation scheduled and it would be beneficial for him to have this condition in place, if any treatment is found to be necessary.

If the Court should have any questions or need additional information, the supervising probation officer will make herself available at the Court's convenience.

Respectfully submitted,

by

Betty J. Bradford  
U. S. Probation Officer  
Date: July 6, 2012

Approved,

by

Robert A. Taylor  
Supervising U. S. Probation Officer  
Date: July 6, 2012

THE COURT ORDERS:

No Action  
 The Extension of Supervision as Noted Above  
 EAS The Modification of Conditions as Noted Above  
 Other

M. A. Sargent Jr.  
Signature of Judicial Officer

7-12-2012  
Date